

## **Personnel Rules**

### **January 01, 2002**

Excerpt from 12.0 PERSONNEL RULE 12:EQUAL EMPLOYMENT OPPORTUNITY  
AND ANTI-HARASSMENT POLICIES

#### **12.2 Anti-Harassment Policy:**

##### **12.2.1 Purpose:**

SCAG is committed to providing a work environment free of discriminatory harassment. This Policy defines discriminatory harassment, and sets forth a procedure for the investigation and resolution of complaints of such harassment by or against any employee or applicant or from a person providing services pursuant to a contract.

##### **12.2.2 Policy:**

Discriminatory harassment violates this Policy, and will not be tolerated. Discriminatory harassment of an applicant or employee or person providing services pursuant to a contract, is harassment based on actual or perceived race, religious creed, sex, national origin, ancestry, disability, medical condition, marital status, age, or sexual orientation. It is also improper to retaliate against any individual for making a complaint of discriminatory harassment or for participating in a harassment investigation. Retaliation constitutes a violation of this Policy.

This Policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, transfer, training opportunities and compensation.

Employees who violate this Policy may be subject to disciplinary action up to and including termination.

##### **12.2.3 Definition:**

Harassment can consist of virtually any form or combination of verbal, physical, visual or environmental conduct. It need not be explicit, nor even specifically directed at the victim. Sexually harassing conduct can occur between people of the same or different genders.

Harassment includes, but is not limited to the following misconduct:

**Verbal:** Inappropriate or offensive remarks, slurs, jokes or innuendoes based on actual or perceived sex, religious creed, national origin, ancestry, disability, medical condition, marital status, age or sexual orientation. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status, pregnancy or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation of a sexual nature; or sexist, patronizing or ridiculing statements that convey derogatory attitudes about a particular gender.

**Physical:** Inappropriate or offensive touching, assault, or physical interference with free movement when directed at an individual on the basis of actual or perceived sex, religious creed, national origin, ancestry, disability, medical condition, marital status, age or sexual orientation. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, massaging, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures.

**Visual or Written:** The display or circulation of offensive or derogatory visual or written material related to sex, religious creed, national origin, ancestry, disability, medical condition, marital status, age or sexual orientation. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.

**Environmental:** A work environment that is permeated with sexually-oriented talk, innuendo, insults or abuse not relevant to the subject matter of the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements. An environment may be hostile if unwelcome sexual behavior is directed specifically at an individual or if the individual merely witnesses unlawful harassment in his or her immediate surroundings. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's work.

Romantic or sexual relationships between Supervisors and subordinate employees are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. The relationship may create an appearance of impropriety and lead to charges of favoritism by other employees. A welcome sexual relationship may change, with the result that sexual conduct that was once welcome becomes unwelcome and harassing.

By definition, sexual harassment is not within the course and scope of an individual's employment with SCAG.

#### 12.2.4 **Prohibited Supervisory or Managerial Behavior:**

- a. No Supervisor, manager, or other authority figure may condition any employment, employee benefit or continued employment at SCAG on an applicant's or employee's acquiescence to any of the behavior defined above.
- b. No Supervisor, manager, or other authority figure may retaliate against any applicant, or employee, because that person has opposed a practice prohibited by this policy or has filed a complaint, testified, assisted or participated in any manner in an investigation, proceeding or hearing conducted by an authorized investigator
- c. No person shall destroy evidence relevant to an investigation of harassment discrimination.

**12.2.5 Behavior Prohibited by All Persons:**

- a. No Supervisor, manager, or any other person at SCAG shall create a hostile or offensive work environment for any other person by engaging in any discriminatory harassment or by tolerating it on the part of any employee.
- b. No Supervisor, manager, or any other person at SCAG shall assist any individual in doing any act which constitutes discriminatory harassment against any employee of SCAG.

**12.2.6 Obligations of SCAG Supervisory and Management Employees:**

- a. A copy of this policy shall be provided to all employees of SCAG.
- b. A copy of the information sheet on sexual harassment prepared by the Department of Fair Employment and Housing is available to all SCAG employees upon request.
- c. The Human Resources office will make available upon request information from the Department of Fair Employment and Housing and the Equal Employment Opportunity Commission about filing claims of harassment with these entities.
- d. A copy of this policy shall appear in any publication which sets forth the comprehensive rules, regulations, procedures and standards of conduct for employees.
- e. Employees of SCAG shall receive periodic training on the policy.

**12.2.7 Obligations of All Employees:**

- a. All employees shall report any conduct, which fits the definition of discriminatory harassment, to their immediate Supervisor or appropriate manager. This includes conduct of non-employees, such as sales representatives or independent contractors or harassing conduct toward such contractors.
- b. All persons shall report to their Supervisor, manager or the Human Resources Manager any instances of discriminatory harassment which they have directly observed, whether or not reported by the employee who is the object of the harassment.
- c. All employees shall cooperate with any investigation of any alleged act of discriminatory harassment conducted by SCAG or its agents.

12.2.8 **Investigative/Corrective Action:**

- a. All persons shall immediately report any evidence of discriminatory harassment or complaints regarding discriminatory harassment made to them to their Supervisor, manager, or to the Human Resources Manager. Any Supervisor, or manager who receives a complaint regarding discriminatory harassment shall immediately report it to the Human Resources Manager.
- b. The Human Resources Manager shall authorize the investigation or conduct the investigation of any incident of alleged discriminatory harassment reported to him/her. The investigation shall be conducted in a way which ensures, to the extent feasible, the privacy of the parties involved.
- c. If the complaint of harassment involves the Human Resources office, the complaint shall be reported to the Chief Legal Counsel who will either conduct or authorize the investigation of the complaint.
- d. The person designated to investigate shall immediately report in writing the findings of fact to the Human Resources Manager or if the Human Resources office is being investigated, to the Chief Legal Counsel. The Human Resources Manager or the Chief Legal Counsel will determine whether the Policy has been violated and communicate the conclusion to the complainant.
- e. Disciplinary action shall be decided in accordance with SCAG policy and after consultation with the Human Resources Manager or Chief Legal Counsel.
- f. Under no circumstances shall an employee of SCAG who believes that he or she has been the victim of discriminatory harassment be required to first report that harassment to a Supervisor or manager if that person is the individual who has done the harassing.
- g. Under no circumstances shall a Supervisor, manager, or other authority figure retaliate in any way against an employee who has made a complaint or who has provided information as a witness to an incident of alleged harassment.
- h. All Supervisors and managers are required to maintain confidentiality to the extent possible in communicating or investigating any claims of alleged harassment.